IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

WP(C).No. 15803 of 2007(F)

PETITIONER:

FLOATELS INDIA PVT.LTD, SECOND FLOOR,
COMFORT INN GRAND, OPP.SECRETARIAT, M.G.ROAD,
TRIVANDRUM REPRESENTED BY ITS MANAGING DIRECTOR,
M.R.NARAYANAN.

BY ADV. SRI.V.GIRI

RESPONDENTS:

1. UNION OF INDIA, REPRESENTED BY THE
SECRETARY TO GOVT.MINISTRY OF ENVIRONMENT
AND FORESTS, PARAYAVARAN BHAVAN, CGO COMPLEX,
LODHI ROAD, NEW DELHI 110 003.

2. DISTRICT COLLECTOR, THIRUVANANTHAPURAM.

3. THE ADDITIONAL TAHSILDAR, NEYYATTINKARA.

4. KULATHOOR GRAMA PANCHAYATH, REPRESENTED
BY ITS SECRETARY, KULATHOOR.

5. THE VILLAGE OFFICER, KULATHOOR.

G.P SHRI.ANILKUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.15803 of 2007

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Dated this the 25th day of May, 2007

J U D G M E N T

The petitioner claims to be running a tourist resort. As part of the resort, they have constructed some floating platforms which are used for constructing cottages. The petitioner is aggrieved by Exts.P4 and P5 by which the petitioner has been given notice to vacate premises occupied by the floating platforms. The petitioner submits he has been operating these cottages in the floating platforms for the last so many years. According to him, these cottages are not embedded in the earth and therefore, no eviction can be ordered in respect of the same. The petitioner has filed Ext.P6 representation before the 2nd respondent detailing all his objections. The petitioner seeks a direction to the 2nd respondent to consider and dispose of Ext.P6 and in the meanwhile, not to proceed further with Exts.P4 and P5.

2. I have heard the learned counsel for the petitioner as also the learned Government Pleader.

3. The petitioner has made out a case for consideration of his objections by the District Collector as contained in Ext.P6. In the above circumstances, it is only appropriate that the 2nd respondent considers the same in accordance with law. Accordingly, I direct the 2nd respondent to consider and pass orders on Ext.P6 in accordance with law, as expeditiously as possible, at any rate, within three weeks from the date of receipt of a copy of this judgment. Further proceedings pursuant to Exts.P4 and P5 shall be kept in abeyance till the District Collector passes orders on Ext.P6 and communicates the same to the petitioner. I make it clear that I have not considered the matter on merits and it would be open to the 2nd respondent to take an independent decision in accordance with law. Since I have not considered the contentions of the petitioner on merits, it would also be open to the petitioner to raise all his contentions while challenging the

orders of the 2nd respondent if the order to be passed by the District Collector is adverse to him.

Writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.